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April 25, 2025

**VIA ECF TO:**

Hon. Robert W. Lehrburger  
United States District Court  
Southern District of New York  
500 Pearl St., Courtroom 18D  
New York, New York 10007

Re: One Step Up, Ltd. v. Empire Apparel LLC et al., 21-cv-05392

Judge Lehrburger:

As the Court is aware, we are counsel for Plaintiff One Step Up, Ltd. (“Plaintiff”) in the above-referenced action (the “Action”).

We write to respectfully request a stay of the current deadline and briefing schedule for summary judgment (Dkt. #115) in light of pending discovery and a motion (Doc. #123) filed in the Action.

On April 17, 2025 Defendants Empire Apparel LLC, Assaf Cohen and Stephanie Goldman (collectively “Defendants”) filed an a motion (Doc. #123)(the “Motion”) objecting to this Court’s prior discovery Order (Dkt. #115), which directed Defendants to respond to Plaintiff’s Interrogatory No. 2 and produce related documents. That Motion is currently pending before Judge Alvin K. Hellerstein, and enforcement of the underlying discovery Order is stayed pending its resolution (Dkt. #121).

Because the information sought through Interrogatory No. 2 may be relevant to the forthcoming summary judgment motions, and either party may rely on those materials if produced, it would be premature to proceed with summary judgment briefing (with motions currently due on or before May 2, 2025) until the discovery Motion is resolved.

Accordingly, Plaintiff respectfully requests that the Court stay the summary judgment filing deadline pending Judge Hellerstein’s resolution of the Motion and respectfully requests that the Court enter a summary judgment briefing schedule after the Motion is determined.

Defendants consent to the requested stay of the summary judgment filing deadline.

We thank the Court for its time and consideration of this matter.

Respectfully submitted,



Yvette J. Sutton, Esq.

cc: All counsel of Record (via ECF)

Granted. The summary judgment briefing schedule will be reset after resolution of Defendant's objection to the discovery order. Within 7 days after resolution of the objection, the parties shall meet and confer and file a proposed briefing schedule.

SO ORDERED:

4/25/2025



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HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE